



TOWN OF UNDERHILL

Development Review Board

JONATHAN & HEATHER FULLER

SITE PLAN REVIEW

Docket #: DRB-20-06

Applicant(s):	Jonathan & Heather Fuller
Consultant:	N/A
Property Location:	97 Stevensville Road (RV073)
Acreage:	± 5.86 Acres
Zoning District(s):	Water Conservation
Project Information:	The Applicants are proposing to construct a new single-family dwelling and convert the existing single-family dwelling (a tiny house) to a detached accessory dwelling

2020 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.5 – Water Conservation (pg. 18)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.3 – Conversion or Change of Use (pg. 31)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 36)
- Article III, Section 3.11 – Outdoor Lighting (pg. 40)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 42)
- Article III, Section 3.14 – Performance Standards (pg. 45)
- Article III, Section 3.17 – Source Protection Areas (pg. 53)
- Article III, Section 3.18 – Steep Slopes (pg. 55)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 62)
- Article III, Section 3.22 – Tiny Houses (pg. 66)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 66)
- Article IV, Section 4.15 – Multi-Dwelling Structures (Accessory Dwellings, Two-Family Dwellings and Multi-Family Dwellings) (pg. 90)
- Article V, Section 5.1 – Applicability (pg. 110)
- Article V, Section 5.3 – Site Plan Review (pg. 113)
- Article V, Section 5.4 – Conditional Use Review (pg. 118)
- Article VI – Flood Hazard Area Review (pg. 125)
- Appendix A – *Underhill Road, Driveway, Trail Ordinance*

CONTENTS:

- a. Exhibit A - Fuller Conditional Use Review Staff Report
- b. Exhibit B - Fuller (ST097) Conditional Use Review Hearing Procedures
- c. Exhibit C - Fuller Development Review Application
- d. Exhibit D - Conditional Use Review Supplemental Questions

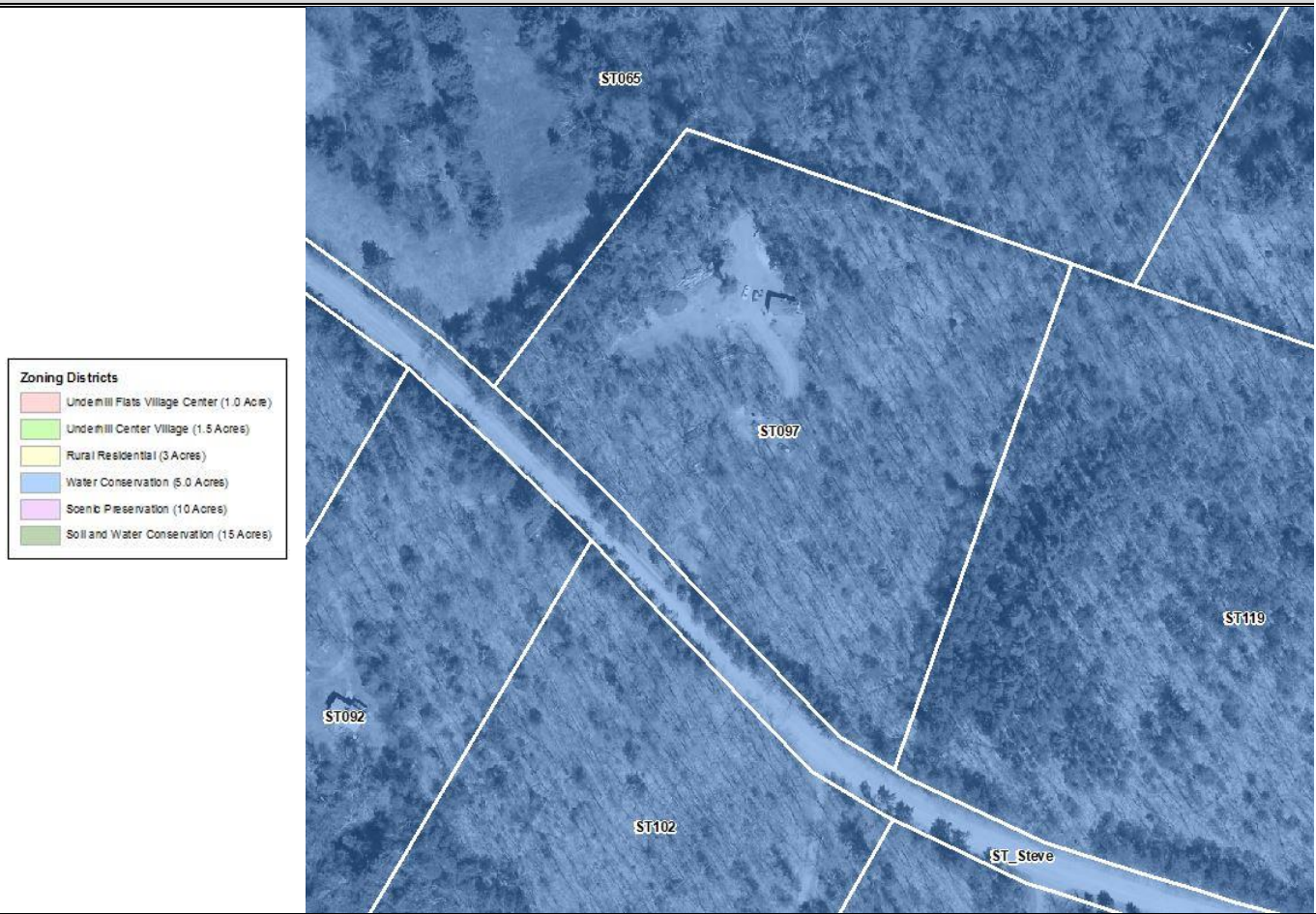
- e. Exhibit E - Site Plan Review Supplemental Questions
- f. Exhibit F - Zoning Permit Application (B-20-14)
- g. Exhibit G - BFP Public Notice
- h. Exhibit H - Certificate of Service
- i. Exhibit I - WaterWastewater Permit (WW-4-4545-1)
- j. Exhibit J - Floor Plans & Elevations
- k. Exhibit K - Site Plan

COMMENTS/QUESTIONS

1. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** (See Appendix A as well)
 - a. The Board should take note during the site visit as to whether any modifications to the driveway made during construction, or if modifications are required, which may require an access permit.
 - b. The Board should inquire when the driveway constructed to provide more clarity about whether an access permit is required (see Appendix A below).
 2. **SECTION 3.11 – OUTDOOR LIGHTING:** The Board typically requires that if new lighting is installed, it shall be downcast and shielded.
 3. **SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS):** While this section is not entirely on point, as the Applicants are constructing a new single-family dwelling, Staff believes the logical association is that any construction of a new structure for a new dwelling unit requires conditional use review, which is why the application was referred to the Board.
 4. **SECTION 5.3.B.6 – LANDSCAPING & SCREENING:** The Board should confirm that the Applicants are anticipating the surrounding areas to remain unchanged.
 5. **SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNED COMMUNITY SERVICES OR FACILITIES:** Should the Board wish to obtain input from UJFD or MMU, Staff will request that information.
 6. **SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED:** The proposed single-family dwelling and conversion of the tiny house to a detached accessory dwelling will increase the density in the area affected; however, the added density is expected and/or foreseeable on pre-existing lots.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS



	Water Conservation		Proposed Single-Family Dwelling (Principal Structure)	Existing Tiny House (To Be Converted to An Accessory Structure)
	5.0 Acres		±5.86 Acres	
Lot Size:	300 ft.		±622 ft.	
Frontage:			Source: Site Plan (Exhibit K)	
Setbacks:	Principal	Accessory		
• Front South.	30 ft.	30 ft.	±210 ft.	±300 ft.
• Side 1 West	50 ft.	20 ft.	±66 ft.	±165 ft.
• Side 2 East	50 ft.	20 ft.	±396 ft.	±284 ft.
• Rear North	50 ft.	20 ft.	±131 ft.	±120 ft.
Max. Building Coverage:	20%		Assumed Met	Assumed Met
Max. Lot Coverage:	30%		Assumed Met	Assumed Met
Maximum Height:	35 ft.		Assumed Met	Assumed Met

TABLE 2.5 – WATER CONSERVATION**PG. 18**

Purpose Statement: The purpose of the Water Conservation District is to protect the important gravel aquifer recharge area in Underhill Center.

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit from the State of Vermont (WW-4-4545-1) (see Exhibit I) for a three-bedroom single-family dwelling and a one-bedroom accessory structure, thus creating the presumption that the gravel aquifer area will not be contaminated.
- The proposed single-family dwelling and existing tiny house (to be a detached accessory structure) conform with the property's setback requirements.
- The subject property conforms with the acreage and frontage requirements.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS**PG. 30**

- The subject lot accesses the Class III portion of Stevensville Road, a Town Highway.
- There is no access permit in the zoning file.
 - The Board should take note during the site visit as to whether any modifications to the driveway made during construction, or if modifications are required, which may require an access permit.
 - The Board should inquire when the driveway constructed to provide more clarity about whether an access permit is required (see Appendix A below).
- No modifications to the existing access way are being proposed, nor does the proposed project require modifications to the existing access way.
 - *Note:* The nearest part of the driveway is ±116 ft. from the west, side property line and ±119 ft. from the rear, north property line; therefore, is conforming with the 12 ft. setback requirement.
 - *Note:* The Board has authority to require the Applicants to relocated the existing access way if necessary per Section 3.2.D.4. Any relocation of the access way requires an access permit.
 - Relocation is not recommended and seems unnecessary.
- In regards to § 3.2.C.3, requiring an access permit for this project proposal may be unnecessary.
- Since no modifications are being made to the existing driveway, review of § 3.2.D is unnecessary.

SECTION 3.3 – CONVERSION OR CHANGE OF USE**PG. 31**

- A conversion or change of use from one permitted use to another permitted use only requires a zoning permit, as approved by the Zoning Administrator.
 - Both single-family dwellings and accessory dwellings are permitted uses, and therefore, the conversion of the tiny house from its current status from a single-family dwelling to an accessory dwelling typically (once the new single-family dwelling is constructed) only requires a permit from the Zoning Administrator, and does not require Board approval.
 - *Note: the approval of this application by the Board is inherently approving the conversion of the tiny house from its current status as a single-family dwelling to an accessory dwelling.*

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS**PG. 36**

- The proposed single-family dwelling will serve as the lot's principal structure/use, while the existing tiny house, which will be converted to a detached accessory dwelling, will serve as an accessory dwelling.
 - Both structures will conform with the setback requirements for primary structures/uses of the Water Conservation District.

- The existing lot conforms with the frontage and acreage requirements of the Water Conservation District.
- The Applicants are not requesting any dimensional waivers.

SECTION 3.11 – OUTDOOR LIGHTING

PG. 40

- The Applicants have advised that they will be installing porch lights (see Exhibit E).
 - The proposed lighting appears to be consistent with other lighting in the Water Conservation District.
- The Board typically requires that if new lighting is installed, it shall be downcast and shielded.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 42

- The Applicants have advised that there is enough parking for six vehicles, which satisfies the parking requirement (three parking spaces):
 - Two parking spaces for the principal dwelling unit, and
 - One parking space for an accessory dwelling unit.
- The proposed construction of the single-family dwelling will only result in a net increase of one parking space (for the addition of an accessory structure).

SECTION 3.14 – PERFORMANCE STANDARDS

PG. 45

- The proposed single-family dwelling and existing tiny house (to be converted to an accessory dwelling) is not anticipated to create any of the situations/circumstances enumerated within this Section.

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 53

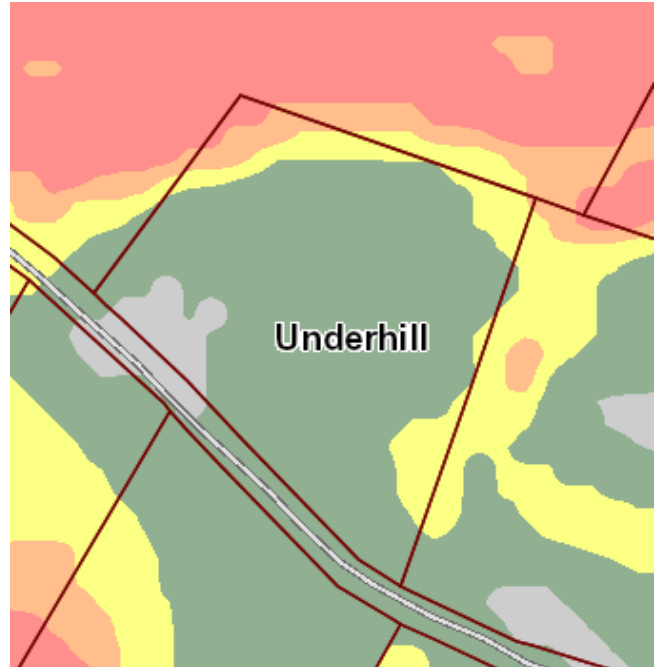
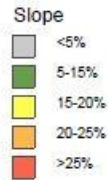
- The subject lot is located entirely within the Groundwater Source Protection Area.
- The project is exempt from review under Section 3.17.B since it relates to a single-family dwelling and accessory dwelling.



SECTION 3.18 – STEEP SLOPES

PG. 55

- The ANR Atlas depicts areas of steep slopes (15%-25%) or very steep slopes (>25%) in the vicinity of the project area (see directly to the right).
 - The submitted site plan (see contour lines depicted in Exhibit K) confirms that the proposed single-family dwelling is to be constructed in an area that is relatively flat.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 62

- The ANR Atlas and the submitted site plan (see Exhibit K) does not depict any surface waters or wetlands on the property.

SECTION 3.22 – TINY HOUSES

PG. 66

- Tiny houses are to be treated in the same manner as single-family dwellings and/or accessory dwellings (§ 3.22.A).

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 66

- A water/wastewater permit has been acquired by the Applicants (WW-4-4545-1, Exhibit I).
- The permit allows for the construction of a three-bedroom single-family dwelling and a one-bedroom accessory dwelling (see Exhibit I).
 - Both dwellings will be served by a soil-based wastewater system and a drilled well.

ARTICLE IV – SPECIFIC USE STANDARDS

SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS)

PG. 90

- If a detached accessory dwelling involves the construction of a new structure, then conditional use review is required (see Section 4.15.A.2).
 - While this section is not entirely on point, as the Applicants are constructing a new single-family dwelling, Staff believes the logical association is that any construction of a new structure for a new dwelling unit requires conditional use review, which is why the application was referred to the Board.
- The converted accessory dwelling's square footage will not exceed 50% of the proposed single-family dwelling's square footage, nor will the converted accessory dwelling exceed 1,000 sq. ft.
 - The primary residence will be ±1,728 sq. ft.

- The existing tiny house, soon to be accessory dwelling is ±510 sq. ft. (~29.5% of the principal structure).
- The accessory dwelling will be in close proximity of the single-family dwelling, and therefore, appurtenant to one another.
- The landowners are expected to live in one of the dwelling units.
- Both dwelling units will satisfy the underlying zoning district's requirements.
- The State Wastewater System & Potable Water Supply permit allows for both dwelling units.
- The existing driveway will serve both dwelling units.

ARTICLE V – DEVELOPMENT REVIEW

SECTION 5.1 – APPLICABILITY

SECTION 5.1.A – TYPE OF REVIEW REQUIRED

PG. 110

- Conditional use review is required in accordance with Section 4.15.A.2.

SECTION 5.1.B – COORDINATION OF REVIEW

PG. 110

- Does not apply.

SECTION 5.3 – SITE PLAN REVIEW

SECTION 5.3.A – PURPOSE

PG. 113

- Site plan review is required per § 5.4.C when reviewing a conditional use review application.

SECTION 5.3.B – STANDARDS *(the Board may wish to consider and impose appropriate safeguards, modifications and conditions relating to any of the following standards:)*

SECTION 5.3.B.1 – EXISTING SITE FEATURES

PG. 113

- The proposed single-family dwelling appears to avoid, or conforms with, the constraints and requirements pertaining to the resources identified under Section 5.3.A.1.
 - A habitat block, level 4 (a low level habitat block), encompasses the entire lot (*Note: the threat level was identified as 6*).
- Should the Board discover any of the resources identified under Section 5.3.A.1, they have the ability to require one or more of the mitigation techniques:
 - Increased setback distances or undisturbed buffer areas between proposed development and identified resources.
 - The designation of building envelopes sited to exclude identified resource areas, and to limit the extent of site clearing and disturbance.
 - Permanent protection of identified resource areas as designated open space.
 - The screening of development as viewed from public vantage points.
 - The preparation and implementation of management plans for identified resources.

SECTION 5.3.B.2 – SITE LAYOUT & DESIGN

PG. 114

Rural Residential and Water Conservation Districts. Site design and layout shall reinforce the rural character and traditional working landscape of these districts, characterized by wooded hillsides, open fields, and a visual and functional relationship of structures to the surrounding landscape. Buildings shall be sited to minimize, to the

- The proposed single-family dwelling is likely to be consistent with the other single-family dwellings in the area, thereby reinforcing the rural character and traditional working landscape within the Water Conservation District.
- The Water Conservation District is largely a resident district.

extent physically feasible, encroachments on open fields and prominent ridgelines or hilltops, and be oriented and designed in a manner that is compatible with the residential character and scale of adjoining development within these districts.

- Those lots that contain single-family dwellings are permitted to have an accessory dwelling.
- See Section 4.15 for more information.

SECTION 5.3.B.3 – VEHICLE ACCESS

PG. 114

- The property is currently accessed by one curb-cut via the Class III section of Stevensville Road.
 - No modifications to the existing curb-cut or driveway are anticipated.

SECTION 5.3.B.4 – PARKING, LOADING & SERVICE AREAS

PG. 115

- See Section 3.13 above.

SECTION 5.3.B.5 – SITE CIRCULATION

PG. 116

- Site circulation is expected to continue being consistent with site circulation patterns associated with single-family dwellings and single-family dwellings with detached accessory dwellings.

SECTION 5.3.B.6 – LANDSCAPING & SCREENING

PG. 116

- No modifications to landscaping and screening are proposed.
- The proposed construction site and existing tiny house are already entirely encompassed by a forested area, thereby already providing adequate screening from Stevensville Road.
 - The Board should confirm that the Applicants are anticipating the surrounding areas to remain unchanged.

SECTION 5.3.B.7 – OUTDOOR LIGHTING

PG. 117

- See Section 3.11 above.

SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL

PG. 117

- The Board typically requires as a condition of approval that the Applicants adhere to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

SECTION 5.4 – CONDITIONAL USE REVIEW

SECTION 5.4.A – PURPOSE *(the standards and conditions should relate to the identification, avoidance and/or mitigation of potential impacts:)*

PG. 118

- Board approval is required for the reasons outlined in Section 4.15 above.

SECTION 5.4.B – GENERAL STANDARDS

SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNED COMMUNITY SERVICES OR FACILITIES

PG. 119

- The construction of the proposed deck addition is not anticipated to have an adverse impact on the existing or planning community services or facilities.
 - Normally, the construction of a single-family dwellings on pre-existing lots do not require any review by the Development Review Board, nor does staff solicit input from UJFD or MMU when those applications are submitted for review.
 - Accessory dwellings, in the majority of circumstances, do not require review from the Board, and in those circumstances, Staff does not solicit input from UJFD or MMU.

- Staff did not solicit input from UJFD or MMU.
 - Should the Board wish to obtain input from UJFD or MMU, Staff will request that information.

SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED

PG. 119

- The construction of the single-family dwelling is not anticipated to have an adverse impact on the character of the area, as single-family dwelling and converted accessory dwelling are allowed for, and common uses, within the Water Conservation District and along Stevensville Road.
 - **Location:** the property is located in the Water Conservation District, specifically in an area where single-family dwellings are prevalent.
 - **Scale:** the scale of the proposed construction is consistent with the development that currently exists on the surrounding properties.
 - **Type:** the proposed single-family dwelling and the conversion of the tiny house to a detached accessory dwelling are permitted uses in the Water Conservation District.
 - **Density:** the proposed single-family dwelling and conversion of the tiny house to a detached accessory dwelling will increase the density in the area affected; however, the added density is expected and/or foreseeable on pre-existing lots.
 - **Intensity:** while one extra dwelling will be added as a result of the proposed project, the intensity of the area will negligibly change.

SECTION 5.4.B.3 – TRAFFIC ON ROADS & HIGHWAYS IN THE VICINITY

PG. 119

- The proposed single-family dwelling (and conversion of the tiny house to a detached accessory dwelling) will negligibly increase the traffic on the roads and highways in the vicinity, thus not resulting in an adverse impact.

SECTION 5.4.B.4 – BYLAWS IN EFFECT

PG. 120

- Staff is unaware of any violations or other noncompliance issues pertaining to the property.
- The proposed project conforms with the *Underhill Unified Land Use & Development Regulations* should the Applicants receive approval from the Board.

SECTION 5.4.B.5 – THE UTILIZATION OF RENEWABLE ENERGY RESOURCES

PG. 120

- The proposed development is not anticipated to interfere with any sustainable use of renewable energy resources.
- The Applicants have informed the Board that they hope to install Solar panels as part of the proposed project (see Exhibit D).

SECTION 5.4.C – SITE PLAN REVIEW STANDARDS

PG. 121

- See analysis under Section 5.3 above.

SECTION 5.4.D – SPECIFIC STANDARDS *(The Board may consider the following subsections and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development:)*

SECTION 5.4.D.1 – CONFORMANCE WITH THE TOWN PLAN

PG. 121

The proposed development is consistent with the existing & proposed Town Plans.

SECTION 5.4.D.2 – ZONING DISTRICT & USE STANDARDS

PG. 121

- The proposed single-family dwelling and conversion of the existing tiny house to an accessory dwelling complies with the Water Conservation District's dimensional and use standards.

SECTION 5.4.D.3 – PERFORMANCE STANDARDS

PG. 121

- See Section 3.14 above.

SECTION 5.4.D.4 – LEGAL DOCUMENTATION

PG. 121

- Does not apply.

SECTION 5.5 – WAIVERS & VARIANCES

SECTION 5.5.A – APPLICATIONS & REVIEW STANDARDS

PG. 121

- The Applicants are not asking for any dimensional waiver.

ARTICLE VI – FLOOD HAZARD AREA REVIEW (PG. 125)

- No Special Flood Hazard Areas are depicted on the existing lot (source: ANR Website); therefore, review under this Article is not required.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- Since no modifications to the existing driveway and curb cut are proposed, review under the Road Ordinance may be unnecessary.
 - If the driveway was preexisting to any development on the property, then an access permit is not required unless the Applicants are proposing to make modifications to the existing driveway.
 - If the driveway was constructed as part of the construction of the tiny house development, then an access permit should be issued.